

**Remarks**

This response is submitted within the shortened statutory period to respond to the office action dated September 16, 2004.

Hereinafter, the claims that are pending prior to the entry of the amendments in this response are called "currently pending claims".

**I. Claims**

This response adds new claims 11-13. Upon amendment the above-identified application will have 3 independent claims (currently pending claims 1 and 6 and new claim 11) and 13 total claims (currently pending claims 1-10 and new claims 11-13). The Applicants previously paid for up to 3 independent claims and 20 total claims. Therefore, no fee is due for excess claims.

**II. Election/Restriction**

In the Official Action, the Examiner requires the restriction of the following inventions under 35 U.S.C. 121:

- I. Claims 1-5, drawn to an external ratchet wrench.
- II. Claims 6-10, drawn to an internal ratchet wrench.

**III. Traversing the Restriction Requirement**

The Applicants respectfully traverse the restriction requirement and respectfully note that the United States Patent Law does not require that Examiners enter non-unity objections, and therefore the Examiner is requested to reconsider the non-unity objection in view of the fact that the claims, while distinct, are sufficiently related and that it would not be an undue burden upon the Examiner to examine both sets of claims 1-5 and 6-10 in a single application.

Applicants respectfully submit a generic claim 11 and dependent claims 12 and 13 which have similar limitations to claims 1 and 6. Applicants respectfully request that the Examiner withdraw the restriction requirement under 35 U.S.C. 121 in view of the generic claim 11, which is directed to a single general invention.

#### IV. Provisional Election of Invention I

The Applicants hereby provisionally elect invention I: Claims 1-5 and new claims 11-13 for prosecution in this Application on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on

Respectfully submitted,

October 20, 2004

(Date of Deposit)

Corinda Humphrey

(Name of Person Signing)

Corinda Humphrey  
(Signature)

October 20, 2004

(Date)

  
Richard P. Berg  
Attorney for Applicant  
Reg. No. 28,145  
LADAS & PARRY  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90036  
(323) 934-2300